

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOHN W. LANGLEY,**

**Plaintiff,**

**v.**

**No. 21-cv-0178 DHU/SMV**

**KILOLO KIJAKAZI,<sup>1</sup>  
Acting Commissioner of the  
Social Security Administration,**

**Defendant.**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition ("PF&RD") [Doc. 43], issued on July 12, 2022. On the Order of Reference, [Doc. 42], the Honorable Stephan M. Vidmar, United States Magistrate Judge, found that the Administrative Law Judge ("ALJ") had failed to apply the correct legal standards in evaluating the testimony of both Plaintiff and Plaintiff's father. Further, Judge Vidmar found that the ALJ's reasons for rejecting the father's testimony were not supported by substantial evidence. Accordingly, he recommended that Plaintiff's Motion to Remand or Reverse Agency Decision [Doc. 28] be granted and the case remanded for further proceedings. [Doc. 43] (citing 42 U.S.C. § 405(g) (sentence four) (2018)). No party objected to the PF&RD, and the time for doing so has passed.

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<sup>1</sup> Kilolo Kijakazi is the current Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted for former Commissioner Andrew Saul as the Defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) (2012).

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 43] be **ADOPTED**; Plaintiff's Motion to Remand or Reverse Agency Decision [Doc. 28] be **GRANTED**; and this action be **REMANDED** for further proceedings pursuant to 42 U.S.C. § 405(g) (sentence four).

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'David Herrera Urias', is written over a horizontal line.

**DAVID HERRERA URIAS**  
**United States District Judge**